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HOUSE JOINT RESOLUTION 558  
By Fowlkes

A RESOLUTION relative to the duties of the Department of  
Children's Services and its responsibilities to the  
children of our state.

WHEREAS, it is incumbent upon the members of this General Assembly to encourage the development and continued well-being of this state's most treasured natural resource, our children; and

WHEREAS, national studies report that only one-third of all reports of child maltreatment are substantiated, and very little effective assistance is provided to families when maltreatment is unsubstantiated, yet poor conditions and deleterious circumstances involving children and their families are such that the likelihood of future maltreatment is predictable; and

WHEREAS, in Tennessee, in 1998, of the 32,286 child maltreatment investigations conducted, 22,356 of those cases were determined to be unfounded, while 9,930 were indicated to be actual cases of child maltreatment; in 1996, the rate of substantiation of abuse or neglect in Tennessee has closely followed the national trend; and

WHEREAS Child Protective Service (CPS) programs throughout the country are burdened with high staff turnover as a direct result of increased caseloads, a lack of viable information management systems, personal safety and stress issues, and lack of training; and

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WHEREAS, the caseloads of Child Protective Service staff have increased, not only in number, but also in complexity, and also in the severity of abuse, due in large part to the increased incidence of substance and alcohol abuse in our society; and

WHEREAS, in Tennessee, like the rest of the nation, the Child Protective Services program is the conduit for the vast majority of children entering the foster care program; and even though only ten percent (10%) of the children whose maltreatment is substantiated as having occurred do enter our foster care system, those children constitute sixty-eight percent (68%) of our total foster care population and are, therefore, dependent upon the state's care and protection, due to abuse or neglect they have suffered; and

WHEREAS, the Department of Children's Services ("DCS") is the state's administrative agency for federal funds under the Federal Children's Justice Act and Child Abuse Prevention and Treatment Act (CAPTA), is solely responsible for investigating all reports of child abuse and neglect, except for cases of child sexual abuse; and

WHEREAS, TCA §37-1-607, specifically designates the Department as the lead/coordinating member of the multi-disciplinary child protective investigative teams (CPITs) to investigate all reports of child sexual abuse; and

WHEREAS, further studies indicate that, while Child Protective Investigative Teams are formed and are functional to varying degrees in communities and counties throughout the state, the consensus of district attorneys, law enforcement officials, juvenile court judges, DCS child abuse investigators, and staff of the State's Child Advocacy Centers is that there exists a tremendous need for providing enhanced training support and technical assistance to the CPITs; and

WHEREAS, the safety and security of Tennessee's children demand our utmost attention, and it is imperative that the members of this legislative body exert whatever measures are necessary to accomplish this important goal; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Department of Children's Services is hereby most fervently urged and encouraged to exert leadership with the Child Protective Investigative Teams, both at the local and county levels, and the multi-disciplinary investigative process that ensues when reports of child sexual abuse are received.

BE IT FURTHER RESOLVED, That the Department of Children's Services is urged and encouraged to study the feasibility of extending the investigative responsibilities of CPITs to include all reports of serious abuses of children, both physical and sexual, and in cases of life-threatening neglect.

BE IT FURTHER RESOLVED, That the Department is urged to develop strategic partnerships at the local, regional and state levels to promote and enhance the prevention, investigative response, treatment and family support of child victims and non-offending parents, and others who are the primary custodial caregivers for such children.

BE IT FURTHER RESOLVED, That the Department of Children's Services is encouraged to develop and establish effective alliances and mutually beneficial partnerships with schools and community-based service agencies; and to bring together DCS staff and other members of the child protection teams in physical locations within the community, to emphasize community-based service models.

BE IT FURTHER RESOLVED, That the Department is urged to examine the use of differential response models for child maltreatment reports, based upon the severity of the allegations, to emphasize use of funding for investigation of serious reports, and to likewise emphasize the use of funding for service delivery for less serious reports where investigation is not warranted.

BE IT FURTHER RESOLVED, That the Department of Children's Services is urged and encouraged to identify common characteristics and circumstances of "unfounded" reports of child maltreatment, and subsequent strategies employed to:

(1) reduce unwarranted CPS involvement in the lives of children, their families and other citizens; and

(2) re-direct public resources into the areas of prevention, and training and technical assistance for those mandated to report and investigate child mistreatment.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Director of the Tennessee Department of Children's Services, with this final resolving clause deleted from such copy.